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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DON C. BENNETT, COMERLIS
DELANEY, GARY ROBINSON,
DARREN SCOTT, and JOHN HOTZLER,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

SIMPLEXGRINNELL LP,

Defendants.

Case No. 11-1854 JST

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING PRETRIAL ORDER**

1 Pursuant to Local Rules 6-1, 6-2, and 7-12, Plaintiffs and Defendant SimplexGrinnell LP
2 hereby stipulate as follows:

3 WHEREAS, the current pretrial Order provides for a mediation deadline of January 15,
4 2014;

5 WHEREAS, the parties have completed all fact discovery and nearly concluded expert
6 discovery;

7 WHEREAS, there are several substantive and dispositive motions pending before the court
8 that require additional briefing; namely, Defendant's motions to strike Plaintiffs' experts' reports
9 and preemptive motion to deny class certification;

10 WHEREAS, there is a dispositive motion pending before the court that is fully briefed;
11 namely, Plaintiffs' motion for partial summary judgment;

12 WHEREAS, the parties have discussed their respective settlement positions with the
13 mediator and all agree that the resolution of the pending motions is necessary before there can be a
14 reasonable chance of settlement; and

15 WHEREAS, the resolution of these motions and Plaintiffs' expected motion for class
16 certification will likely lead the parties to more constructively engage in mediation;

17 It is hereby stipulated and agreed by the Parties, if the Court approves, that the parties'
18 expert deposition and mediation deadlines are extended, as follows:

- 19 1. Mediation Deadline: 5/16/14
- 20 2. The briefing and hearing schedule contained in the Court's January 2, 2014
21 Order shall remain in effect.

22 Dated: January 7, 2014

Respectfully submitted,

23 By: /s/ James Kan

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Dated: January 7, 2014

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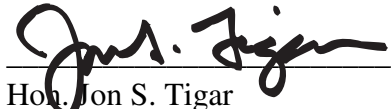
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Attorneys for Defendant SimplexGrinnell LP

~~PROPOSED~~ ORDER

Pursuant to Stipulation of the Parties, IT IS SO ORDERED.

Dated: January 8, 2014



Hon. Jon S. Tigar
United States District Court
Northern District of California

ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

January 7, 2014

By: /s/ James Kan

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Attorneys for Plaintiffs

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